

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ELIZABETH MARGRABE,

Plaintiff,

-against-

SEXTER & WARMFLASH, P.C., DAVID
WARMFLASH and MICHAEL PRESENT,

Defendants.
-----X

Case No.: 07 CV 2798
(KMK) (GAY)

REPLY AFFIDAVIT OF
A. MICHAEL FURMAN

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

A. MICHAEL FURMAN, being duly sworn, deposes and says:

1. I am a member of the law firm of Kaufman Borgeest & Ryan LLP, attorneys for defendants Sexter & Warmflash, P.C., David Warmflash and Michael Present (hereinafter “defendants” or “Sexter & Warmflash”) in the above-captioned matter, and am fully familiar with the facts and circumstances herein based upon my review of the file maintained by my office. I submit this reply affidavit in further support of defendants’ instant motion pursuant to Rule 12(b)(6) Fed.R.Civ.P., seeking an Order dismissing plaintiff’s Complaint.

2. A true and correct copy of Justice George D. Salerno’s unpublished Decision and Order, dated October 11, 2007, in the case of Kinberg v. Garr, (Index No. 20612/06, Bronx

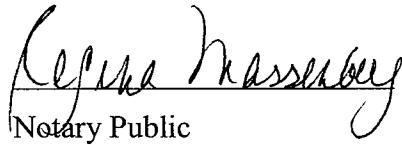
County) is attached hereto as Exhibit "R."

Dated: New York, New York
November 16, 2007



A. Michael Furman

Sworn to before me this
16 day of November 2007



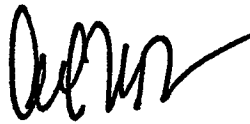
Notary Public

REGINA MASSENBERG
Notary Public, State of New York
No. 01MA6039817
Qualified in Kings County
Commission Expires April 10, 2010

CERTIFICATE OF SERVICE

This is to certify that true and correct copies of the foregoing: **REPLY AFFIDAVIT OF A. MICHAEL FURMAN WITH ACCOMPANYING EXHIBIT MARKED "R"** was served via first class mail and ECF on the 16th day of November 2007 upon:

William Greenberg, Esq.
Greenberg & Massarelli, LLP
2929 Purchase Street
Purchase, New York 10577

A handwritten signature in black ink, appearing to read 'A. Michael Furman', written over a horizontal line.

A. MICHAEL FURMAN